

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CONTRACTORS, LABORERS,
TEAMSTERS and ENGINEERS
PENSION PLAN, et al.

Plaintiffs,

VS.

NEGUS-SONS, INC., and NETAL, INC.,
Nebraska Corporations,

Defendants.

Case No. 8:09-CV-3023

JUDGMENT

Pursuant to the Stipulation for Consent Judgment (Filing No. 30) filed by the defendants and approved as to form and content by the plaintiffs this date,

FINAL JUDGMENT is entered in favor of the plaintiffs, Contractors, Laborers, Teamsters and Engineers Pension Plan (hereinafter "the Pension Plan"); Contractors, Laborers, Teamsters and Engineers Health and Welfare Plan (hereinafter "the Welfare Plan"); International Union of Operating Engineers, Local 571; Nebraska Operating Engineers Apprenticeship and Training Fund (hereinafter "the Training Fund"); Ron Kaminski, Rod Marshall, Kim Quick, Tim McCormick, Ron Fucinaro and Robert Hayworth, Trustees of the Health, Welfare and Pension Funds, and against the defendants Negus-Sons, Inc., and Netal, Inc., providing that the defendants are jointly and severally liable for the following amounts which constitute all of the delinquent pension, health and welfare, and training fund contributions, audit fees, and attorneys' fees and costs owed by the defendants to the plaintiffs as of July 31, 2009:

- (1) \$219,769.17 in delinquent contributions (including interest and liquidated damages) owed by Defendant Negus-Sons, Inc., to the Pension Plan and the Health and Welfare Plan as of July 31, 2009;
- (2) \$70,771.16 in delinquent contributions (including interest and liquidated damages) owed by Defendant Netal, Inc., to the Pension Plan and the Health and Welfare Plan as of July 31, 2009;
- (3) \$322.50 in auditor fees stemming from audits of the Pension Plan and the Health and Welfare Plan through July 31, 2009;
- (4) \$35,127.80 in delinquent contributions (including interest and liquidated damages) owed by Defendant Negus-Sons, Inc., to the Training Fund through July 31, 2009;
- (5) \$15,314.15 in delinquent contributions (including interest and liquidated damages) owed by Defendant Netal, Inc., to the Training Fund through July 31, 2009;

- (6) \$3,478.00 in auditor fees stemming from audits of the Training Fund through July 31, 2009; and
- (7) \$9,964.90 in attorneys' fees and costs incurred by the Plaintiffs in this action.

This matter is dismissed with prejudice, except that this Judgment shall not prejudice the plaintiffs from enforcing their legal and contractual rights to ongoing pension, health and welfare, and training fund contributions that the defendants may owe after July 31, 2009.

DATED this 10th day of August, 2009.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge